

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES LEGATE,

Plaintiff,

VS.

WILLIAM STEPHENS, *et al*,

Defendants.

§
§
§
§
§
§
§

CIVIL ACTION NO. 2:13-CV-00148

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS CERTAIN CLAIMS AND TO RETAIN CASE**

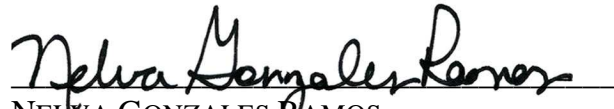
On July 17, 2013, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation to Dismiss Certain Claims and to Retain Case” (D.E. 9). The Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 9), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the

findings and conclusions of the Magistrate Judge. Accordingly, the Plaintiff's claims against Clint Morris are **DISMISSED WITHOUT PREJUDICE**. The claims against William Stephens in his official capacity for declaratory and injunctive relief are **RETAINED** and service is **ORDERED** on this Defendant.

ORDERED this 19th day of August, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE